

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Mac Muir	Team: Squad #6	CCRB Case #: 202006088	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Friday, 03/20/2020 9:00 PM	Location of Incident: § 87(2)(b)	Precinct: 40	18 Mo. SOL 9/20/2021	EO SOL 5/4/2022	
Date/Time CV Reported Wed, 09/09/2020 11:13 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 09/09/2020 11:13 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. PO Brian Greaige	13811	960616	PSA 7
2. LT Eric Konoski	00000	930497	PSA 7
3. PO Cristopher Dominguez	23809	962974	PSA 7
4. An officer			PSA 7

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DTS Andres Gomez	6964	951774	PSA 7

Officer(s)	Allegation	Investigator Recommendation
A.LT Eric Konoski	Abuse: Lieutenant Eric Konoski stopped § 87(2)(b)	§ 87(2)(b)
B.LT Eric Konoski	Abuse: Lieutenant Eric Konoski searched § 87(2)(b)	§ 87(2)(b)
C.LT Eric Konoski	Force: Lieutenant Eric Konoski used physical force against § 87(2)(b)	§ 87(2)(b)
D.PO Brian Greaige	Force: Police Officer Brian Greaige used physical force against § 87(2)(b)	§ 87(2)(b)
E.PO Cristopher Dominguez	Force: Police Officer Cristopher Dominguez used physical force against § 87(2)(b)	§ 87(2)(b)
F. An officer	Force: An officer used a chokehold against § 87(2)(b)	§ 87(2)(b)
§ 87(4-b) § 87(2)(g)	§ 87(2)(b)	§ 87(2)(b)
§ 87(4-b) § 87(2)(g)	§ 87(2)(b)	§ 87(2)(b)
§ 87(4-b) § 87(2)(g)	§ 87(2)(b)	§ 87(2)(b)

Case Summary

On September 9, 2020, § 87(2)(b) submitted this complaint with the CCRB via telephone.

On March 20, 2020, at approximately 9:00 p.m., § 87(2)(b) walked with his girlfriend, § 87(2)(b) toward § 87(2)(b) in the Bronx when officers, supervised by Lt. Eric Konoski of PSA-7, exited an unmarked vehicle and stopped him (**Allegations A: Abuse of Authority: § 87(2)(g)**). Lt. Konoski allegedly reached into § 87(2)(b)'s pockets (**Allegation B: Abuse of Authority: § 87(2)(g)**). Lt. Konoski grabbed § 87(2)(b) by the shirt and pushed him against a wrought iron fence (**Allegation C: Force: § 87(2)(g)**). PO Brian Greaiage and PO Cristopher Dominguez parked nearby and approached. Lt. Konoski, Det. Andres Gomez, PO Greaiage, and PO Dominguez struggled to pull § 87(2)(b)'s hands together for approximately 30 seconds and placed him into handcuffs. PO Greaiage and PO Dominguez escorted § 87(2)(b) into a police van. On the way to the PSA 7 stationhouse, PO Greaiage and PO Dominguez allegedly punched, elbowed, kicked, and kned § 87(2)(b) in the back of the vehicle (**Allegation D and E: Force: § 87(2)(g)**). At the stationhouse, § 87(2)(b) was issued a summons for § 87(2)(a) 160.50 and released. § 87(2)(a) 160.50 § 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)] § 87(4-b) § 87(2)(g)

The investigation obtained BWC (BR 01-06) and cell phone footage (BR 07, 08) of this incident.

Findings and Recommendations

Allegation A – Abuse of Authority: Lieutenant Eric Konoski stopped § 87(2)(b)

Allegation B – Abuse of Authority: Lieutenant Eric Konoski searched § 87(2)(b)

Lt. Konoski's BWC (BR 03), PO Greaiage's BWC (BR 02), and Det. Gomez's BWC (BR 01), all beginning at 0:00, showed Lt. Konoski approach § 87(2)(b) who held a weighted red bag. Lt. Konoski grabbed § 87(2)(b) by his sweatshirt and backed him against a wrought iron fence. The footage did not show Lt. Konoski place his hands into § 87(2)(b)'s pockets. PO Dominguez's BWC (BR 04), beginning at 0:00, showed him look into § 87(2)(b)'s red bag with a flashlight, then carry the bag to the police vehicle.

§ 87(2)(b)'s cell phone footage (BR 07), beginning at 0:00, showed Lt. Konoski approach him. § 87(2)(b) asked why he was being stopped. Lt. Konoski asked § 87(2)(b) where he was coming from. § 87(2)(b) asked for his badge number. Lt. Konoski replied that he did not have a badge number because he was a lieutenant. Lt. Konoski reached toward § 87(2)(b)'s waist and § 87(2)(b) told Lt. Konoski not to touch him. The video did not show any officers search § 87(2)(b)'s red bag.

§ 87(2)(b) testified that was walking home from the store with his girlfriend, § 87(2)(b) when he saw a group of friends and said hello. He shook hands with one individual and walked toward § 87(2)(b). Lt. Konoski walked toward § 87(2)(b) asked what he was doing, and attempted reach into § 87(2)(b)'s pockets. § 87(2)(b) pushed Lt. Konoski's hands away. No search was conducted.

§ 87(2)(b) testified that she was walking with § 87(2)(b) from his job at a tattoo parlor when they passed four or five teenagers and § 87(2)(b) said hello. Near § 87(2)(b) Lt. Konoski approached § 87(2)(b) and immediately placed his hands into § 87(2)(b)'s pockets.

Lt. Konoski testified that at approximately 10:00 p.m., he was on patrol in the vicinity of Tinton Avenue and East 165th Street in the Bronx when he observed a group of six to ten individuals

standing near the corner. These individuals were known to officers in PSA-7 as members of the ‘Jack Boyz’ gang, a criminal gang that was involved in a lot of the crime in the area, including shootings and robberies. They were huddled around a heavy red cloth shopping bag that § 87(2)(b) was holding. Everyone in the group was nervously looking up and down the block. Several individuals noticed Lt. Konoski’s vehicle. It appeared that there was some communication between the group, and they all quickly dispersed. These factors combined raised Lt. Konoski’s suspicion that § 87(2)(b) was in possession of a firearm. § 87(2)(b) held the red bag and walked toward § 87(2)(b). Lt. Konoski and Det. Gomez followed him. § 87(2)(b) ducked behind a vehicle. At that point, given the totality of the circumstances, Lt. Konoski suspected § 87(2)(b) of possessing a firearm. He and Det. Gomez exited their vehicle and approached § 87(2)(b) who took several steps backward. Lt. Konoski grabbed § 87(2)(b)’s forearm and shirt.

Det. Gomez testified that he and Lt. Konoski were patrolling when they observed § 87(2)(b) a known member of the “Jackboy” crew, standing on a street corner with eight to ten known gang members. All of them were looking into a red bag held by § 87(2)(b). The bag appeared to be weighted down and had sharp edges, leading Det. Gomez to believe that it contained a firearm. Once the gang members observed Det. Gomez, they walked in different directions. Det. Gomez saw these individuals almost every day, so he knew that this was unusual behavior. § 87(2)(b) walked toward § 87(2)(b) and held the bag next to his waist as if he was trying to hide it from the officers. This led Det. Gomez to further suspect that § 87(2)(b) was in possession of a weapon. Det. Gomez and Lt. Konoski exited their vehicle and approached § 87(2)(b). Lt. Konoski moved § 87(2)(b) against a fence. Det. Gomez did not see Lt. Konoski reach into § 87(2)(b)’s pockets. When Det. Gomez ultimately checked inside the bag, he found a tattoo gun, which was returned to § 87(2)(b) at the end of the incident.

Det. Gomez’s (BR 10) and Lt. Konoski’s (BR 11) memo book entries were consistent with their testimony.

A person is guilty of criminal possession of a firearm, a class E felony, when he possesses any firearm. New York Penal Law §265.01-b (BR 12). A police officer may stop a person in a public place when he reasonably suspects that such person is committing a felony or misdemeanor and may demand an explanation of his conduct. New York Criminal Procedure Law §140.50 (BR 13).

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Allegation C – Force: Lieutenant Eric Konoski used physical force against § 87(2)(b)
§ 87(2)(b)

It is undisputed that Lt. Konoski approached § 87(2)(b) by grabbing his shirt and pressing him against a wrought iron fence. § 87(2)(b) resisted by backing away from Lt. Konoski, and then by bracing his arms against Lt. Konoski, Det. Gomez, PO Greaike, and PO Dominguez as they attempted to place him into handcuffs. Once § 87(2)(b) was in handcuffs, PO Greaike and PO Dominguez held § 87(2)(b) by the arms and pulled him into an unmarked police van.

Lt. Konoski's BWC (BR 03), beginning at 0:00, Det. Gomez's BWC (BR 01), beginning at 0:00, and PO Greaike's BWC (BR 02), beginning at 0:00, showed Lt. Konoski approach § 87(2)(b) grab him by the shirt, and push him against a wrought iron fence. Lt. Konoski repeatedly asked § 87(2)(b) to relax. Lt. Konoski, Det. Gomez, PO Greaike, and PO Dominguez held § 87(2)(b) against the fence, pulled his arms together, and placed him into handcuffs. § 87(2)(b) yelled at the officers and asked why he was being arrested. He asked for officers' shield numbers but did not direct those requests toward a specific officer. Lt. Konoski replied that he did not have a shield number. Det. Gomez told § 87(2)(b) that he would give him a business card. Lt. Konoski's, Det. Gomez's, and PO Greaike's BWCs all appeared to accidentally turn off when their chests brushed against § 87(2)(b)'s shirt.

§ 87(2)(g)

PO Dominguez's BWC (BR 04), beginning at 0:00, showed Lt. Konoski approach § 87(2)(b) grab his shirt, and push him against a wrought iron fence. PO Dominguez looked inside § 87(2)(b)'s red bag, which was by his side on the ground. PO Dominguez, Lt. Konoski, Det. Gomez, and PO Greaike grabbed § 87(2)(b)'s arms and pulled them together. PO Dominguez and PO Greaike held § 87(2)(b) by the arms and walked him to a police vehicle. § 87(2)(b) told the officers to get off him and said that he was not going anywhere. PO Dominguez and PO Greaike pushed § 87(2)(b) into a black police van.

§ 87(2)(b)'s cell phone footage (BR 07) showed Lt. Konoski approach him. § 87(2)(b) repeatedly told the officers not to touch him. Lt. Konoski pressed him against a wrought iron fence, then asked for all the officers shield numbers. He turned off his footage abruptly.

§ 87(2)(b)'s cell phone footage (BR 08) showed officers hold § 87(2)(b)'s hands behind his back and try to pull his hands into cuffs. § 87(2)(b) braced his arms to prevent from being handcuffed. § 87(2)(b) yelled at the officers, stood immediately behind them, and called them stupid. She repeatedly asked why the officers were arresting him. Once in handcuffs, PO Dominguez and PO Greaike walked § 87(2)(b) to an unmarked black police van and pushed § 87(2)(b) inside. § 87(2)(b) continuously yelled at the officers, asking why they were taking § 87(2)(b) away. Her camera showed at least two other civilians standing nearby watching as § 87(2)(b) is taken.

§ 87(2)(b) testified that when he was stopped, approximately five officers grabbed his chest, stomach, arms, and back, and tried to place him into handcuffs against a fence. He was unable to attribute any of these actions to specific officers. He resisted by bracing his arms as they attempted to place him into handcuffs. After three to five minutes, officers pulled § 87(2)(b)'s arms behind his back and placed him into handcuffs. As the force used by the additional officers were to place § 87(2)(b) in handcuffs, no additional force allegation was pleaded. As the officers tried to place him inside a van, § 87(2)(b) placed his foot against the vehicle doorframe to prevent from being placed inside. The officers pushed § 87(2)(b) into the vehicle – he did not remember how.

§ 87(2)(b) testified that as officers stopped § 87(2)(b) an officer withdrew handcuffs, and officers repeatedly told § 87(2)(b) to calm down. All of the officers grabbed § 87(2)(b) and tried to

place him into handcuffs. § 87(2)(b) did not let them place him into cuffs by moving his body, and repeatedly asked why this was happening. Officers twisted § 87(2)(b)'s body to place him into handcuffs. § 87(2)(b) recorded and repeatedly asked why the officers were stopping him. The officers pulled § 87(2)(b) to an unmarked black van and placed him inside.

Lt. Konoski testified that as he approached § 87(2)(b) he grabbed § 87(2)(b)'s shirt to prevent him from backing up. He walked § 87(2)(b) to a fence next to the sidewalk. § 87(2)(b) said that he was not going to cooperate and placed the red bag in between himself and the fence so that officers could not access it. § 87(2)(b) raised his voice, creating "a scene" and causing a group to gather. The group of civilians started to become unruly and to yell at Lt. Konoski, Det. Gomez, PO Greaike, and PO Dominguez. § 87(2)(b) held onto the fence, which made it impossible for the officers to investigate whether he had a firearm. As § 87(2)(b) resisted, they placed him into handcuffs and arrested him for § 87(2)(a) 160.50.

Det. Gomez testified that as Lt. Konoski approached § 87(2)(b) he backed § 87(2)(b) against a fence. § 87(2)(b) repeatedly said, "Don't fucking touch me." A crowd of four to five civilians gathered around § 87(2)(b) as the officers tried to place him into handcuffs. § 87(2)(b) flailed his arms, turning Det. Gomez's BWC off in the process. Det. Gomez decided to arrest § 87(2)(b) for disorderly conduct for his threatening behavior. All four officers pulled § 87(2)(b)'s hands behind his back. § 87(2)(b) resisted as PO Greaike and PO Dominguez took him to the black unmarked van. § 87(2)(b) kicked the vehicle and told the officers not to touch him.

PO Greaike testified that as Lt. Konoski and Det. Gomez approached § 87(2)(b) he was hostile toward the officers and tested his body. PO Greaike believed that at this point, the officers decided to arrest § 87(2)(b) to bring him to the stationhouse. § 87(2)(b)'s combativeness made this situation less safe and caused people to gather. In PO Greaike's experience, when someone was arrested near their home, a crowd was more likely to swarm the police, and "airmail" was more likely to be thrown at the officers from nearby roofs. A couple individuals from the original group that looked into his bag walked back toward § 87(2)(b) and the officers. Officers went to grab § 87(2)(b)'s arms, and pushed him against a gate. They tried to turn him around chest-first to place him into cuffs. The officers repeatedly told him to provide his hands and stop resisting, but he contorted his body to prevent from being handcuffed. All four officers worked to pull his arms together to place him into handcuffs. He was not taken to the ground, and PO Greaike felt that the officers used the minimum amount of force possible to place § 87(2)(b) into handcuffs. When he was finally in handcuffs, PO Greaike and PO Dominguez walked § 87(2)(b) to the police van. § 87(2)(b) was irate and resistant, and repeatedly went limp. PO Greaike and PO Dominguez lifted § 87(2)(b) into the van.

PO Dominguez testified that when Lt. Konoski approached § 87(2)(b) § 87(2)(b) grabbed a fence and refused to let go. PO Dominguez and the other officers attempted to pull § 87(2)(b)'s hands behind his back. § 87(2)(b) recorded the officers and by coming closer, made it more difficult to handcuff § 87(2)(b). PO Dominguez and PO Greaike pulled § 87(2)(b)'s arms together, placed him into handcuffs, and brought him to a police van. § 87(2)(b) resisted throughout by tensing his arms and cursing at the officers. PO Dominguez and PO Greaike held § 87(2)(b) by his arms and attempted to place him into a van. § 87(2)(b) said he was not going in and kicked the side of the van to prevent from being placed inside. PO Dominguez and PO Greaike eventually placed § 87(2)(b) into the police van. He did not remember where he touched § 87(2)(b) in order to get him inside.

Det. Gomez issued § 87(2)(b) a summons for § 87(2)(a) 160.50 (BR 09). It stated that Det. Gomez observed him on a public sidewalk causing disruption and causing a crowd to gather. § 87(2)(b)

§ 87(2)(a) 160.50, [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

A police officer may stop a person in a public place when he reasonably suspects that such person is committing a felony or misdemeanor and may demand an explanation of his conduct. Upon stopping a person, a police officer who reasonably suspects that he is in danger of physical injury may search the stopped person for a deadly weapon. New York Criminal Procedure Law § 140.50 (BR 13). Force may be used when it is reasonable to place a person in custody or prevent escape from custody. Patrol Guide Procedure 221-01 (BR 15).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation D – Force: Police Officer Brian Greaige used physical force against § 87(2)(b)

Allegation E – Force: Police Officer Cristopher Dominguez used physical force against

§ 87(2)(b)

Allegation F – Force: An officer used a chokehold against § 87(2)(b)

PO Dominguez's BWC (BR 01), beginning at 0:30, showed he and PO Greaige walk § 87(2)(b) to the police vehicle and push him inside. At 2:00, § 87(2)(b) yelled, "I need all this money." PO Greaige reached around § 87(2)(b) and places the back of his elbow against the side of § 87(2)(b)'s neck, pushing § 87(2)(b)'s head backward. PO Dominguez moved away, and the cameras did not capture § 87(2)(b) who yelled he was being choked and could not breathe. The camera turned back toward the inside of the police van, where § 87(2)(b)'s body was blocked by PO Greaige. § 87(2)(b) repeatedly said he could not breathe. PO Greaige appeared to be on top of § 87(2)(b) but it was not clear how § 87(2)(b)'s body was positioned. At 3:20 into the video, the vehicle started to move, and either PO Dominguez or PO Greaige told § 87(2)(b) to stop moving. He replied that he could not breathe and that his arm was in pain. At 3:40 either PO Greaige or PO Dominguez pointed their flashlight at § 87(2)(b) who was laid in his side facing the rear of the vehicle. § 87(2)(b) complained that his head was "busted," and an officer told him to shut up. The rear of the vehicle was poorly lit, and it is not clear where § 87(2)(b) or either officer was positioned. At 4:50 into the video, § 87(2)(b) said he could not breathe. An officer replied that no one was touching him. § 87(2)(b) repeatedly complained that his head was injured and was escorted into the stationhouse.

PO Greaige's BWC (BR 02) did not capture this part of the incident, as it was turned off during the initial struggle with § 87(2)(b)

§ 87(2)(b)'s cell phone video footage (BR 08), beginning at 1:45 into the video, showed PO Dominguez and PO Greaige push § 87(2)(b) into the police van. From inside the vehicle, § 87(2)(b) yelled that officers were choking him. PO Greaige leaned against § 87(2)(b) inside the vehicle, but it was not clear where § 87(2)(b)'s body was positioned relative to PO Greaige or what actions PO Greaige was taking.

§ 87(2)(b) testified that as he was pushed into the police vehicle, his head struck a seatbelt buckle. He did not remember how he was positioned or the order of events inside the vehicle. He had no independent recollection of an officer having their arm near his head and neck. Officers closed the vehicle door and drove away. PO Greaige and PO Dominguez beat § 87(2)(b) in the backseat of the vehicle. An unknown officer placed his foot on the left side of § 87(2)(b)'s neck, pinning his face to the seat of the vehicle. § 87(2)(b)'s feet were in the air and his side and chest were against the side of the vehicle. An officer held his foot on § 87(2)(b)'s neck as the other officers took turns punching, elbowing, and kneeing § 87(2)(b)'s back. § 87(2)(b) approximated that he was struck thirty times. He did not know which officers struck him because a foot was on his neck. § 87(2)(b) lost consciousness. This continued for two to three minutes. § 87(2)(b) said that he had asthma three to four times before the officer took his foot off § 87(2)(b)'s neck. § 87(2)(b) did not request medical attention because he wanted to go home. His injuries did not bother him until the following morning, when he had a bruise on his head. He had difficulty chewing for several months. He never saw a doctor regarding these injuries.

§ 87(2)(b) recorded the officers with her cell phone. She testified that officers pulled § 87(2)(b) into a black van and held § 87(2)(b) down with their knees. § 87(2)(b) was unable to describe how officers made physical contact with § 87(2)(b) in any additional detail. An officer – she did not know which – appeared to grab the top of § 87(2)(b)'s neck. She did not remember an officer choking § 87(2)(b) and only based this observation on what she viewed in her own cell phone video of the incident. Officers restrained § 87(2)(b) inside the vehicle for approximately one minute, then closed the doors and drove away.

PO Greaige testified that when the officers lifted § 87(2)(b) into the police van, § 87(2)(b) was combative and flailed his body. The officers placed him in the back seat to make sure that he could be secured. § 87(2)(b) kicked and flailed his legs. PO Greaige stayed next to § 87(2)(b) because § 87(2)(b) was trying to move out of his seat by flailing his body. PO Greaige positioned § 87(2)(b)'s body sideways so that his handcuffs would not press into his back and hurt his wrists. At a few points over the course of the drive to the stationhouse, PO Greaige held § 87(2)(b) to make sure that he did not slide off the seat. § 87(2)(b) said that he could not breathe, yet he was sitting upright, no one was on his diaphragm and he was screaming. PO Greaige denied striking § 87(2)(b) placing his arm around § 87(2)(b)'s neck or that PO Dominguez struck § 87(2)(b).

PO Dominguez testified that he and PO Greaige eventually placed § 87(2)(b) on his side inside the police van, in the middle seat of the three rows. § 87(2)(b) tried to slide off the seat. PO Dominguez and PO Greaige both told § 87(2)(b) not to move. PO Dominguez held onto § 87(2)(b)'s arms to keep him in place on the seat. PO Dominguez denied that he or PO Greaige laid on top of § 87(2)(b). No officer placed their foot on § 87(2)(b)'s neck. PO Dominguez denied striking § 87(2)(b) in the back of the vehicle. He denied that PO Greaige struck § 87(2)(b) in the back of the vehicle. He denied that either of them took actions to restrict § 87(2)(b)'s breathing.

Lt. Konoski testified that PO Greaige and PO Dominguez escorted § 87(2)(b) to the police vehicle and placed him inside by lifting him in. § 87(2)(b) kicked the van on his way in. Lt.

Konoski drove back to the precinct in an unmarked vehicle.

Det. Gomez testified that he drove § 87(2)(b) to the PSA 7 stationhouse. His attention was on the road as PO Greaige and PO Dominguez told § 87(2)(b) to stop moving. He did not recall § 87(2)(b) complaining that officers were using force.

The BWC footage and cell phone footage neither corroborated nor disproved § 87(2)(b)'s account of PO Dominguez and PO Greaige using force inside the police van. PO Greaige and PO Dominguez denied using force aside from holding § 87(2)(b) in place as he resisted. Though § 87(2)(b) complained of injury, he did not seek medical attention and therefore there was no documentation to support his claim. § 87(2)(g)

§ 87(2)(g)

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§ 87(2)(g)

§ 87(4-b) § 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b) has been party to one previous CCRB complaint and has been named as a victim in 13 allegations (BR 16).
 - § 87(2)(b)
- Lt. Konoski has been a member-of-service for 19 years and has been a subject in 13 complaints and 36 allegations, of which four were substantiated.
 - Case #200511684 involved a substantiated frisk allegation against Lt. Konoski. The Board recommended Charges and the NYPD did not impose discipline.
 - Case #20051992 involved substantiated frisk and question allegations against Lt. Konoski. The Board recommended Charges and the NYPD imposed Command Discipline A.
 - Case #201506557 involved a substantiated search (of person) allegation against Lt. Konoski. The Board recommended Command Discipline A and the NYPD imposed Command Discipline A.

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- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Reviewer: _____

Signature _____ Print Title & Name _____ Date _____